

Enrolled
House Bill 2931

Introduced and printed pursuant to House Rule 12.00. Pre-session filed (at the request of Governor Tina Kotek for Department of Transportation)

CHAPTER

AN ACT

Relating to the interstate bridge replacement program; creating new provisions; amending ORS 291.055, 381.312, 383.003, 383.004, 383.005, 383.009, 383.035, 383.075 and 383.200 and section 2, chapter 4, Oregon Laws 2013; and repealing section 8, chapter 4, Oregon Laws 2013.

Be It Enacted by the People of the State of Oregon:

INTERSTATE 5 BRIDGE REPLACEMENT PROJECT

SECTION 1. Section 2, chapter 4, Oregon Laws 2013, is added to and made a part of ORS 383.001 to 383.245.

SECTION 2. Section 2, chapter 4, Oregon Laws 2013, is amended to read:

Sec. 2. (1) The Legislative Assembly finds that it is in the interests of this state to undertake the Interstate 5 bridge replacement project[.].

(2) The Interstate 5 bridge replacement project is a bistate, multimodal corridor improvement project between the Washington State Route 500 interchange with Interstate 5 in Vancouver, Washington, and the **Columbia Slough, south of the** Victory Boulevard interchange with Interstate 5 in Portland, Oregon. The project includes:

- [1] **(a)** New multimodal river crossings;
- [2] **(b)** Replacement, modification and removal of the existing Interstate 5 bridges;
- [3] **(c)** Improvements to existing interchanges; and
- [4] **(d)** Multimodal improvements to facilitate travel in the bistate corridor.

(3) The Oregon Transportation Commission may enter into agreements with the State of Washington, or the State of Washington's designee, relating to the Interstate 5 bridge replacement project.

(4) The portion of toll revenues accruing to the State of Oregon from the Interstate 5 bridge replacement project may be used only for the purposes described in Article IX, section 3a, of the Oregon Constitution.

(5) Subject to approval by the State Treasurer, the portion of toll revenues accruing to the State of Oregon from the Interstate 5 bridge replacement project is not subject to ORS 295.001 to 295.108 while fully collateralized pursuant to an agreement with the State of Washington regarding collection, retention and disbursement of toll revenues on behalf of the State of Oregon.

SECTION 3. ORS 383.003 is amended to read:

383.003. As used in ORS 383.001 to 383.245:

- (1) "Department" means the Department of Transportation.
- (2) "Electronic toll collection system" means a system for collecting tolls that:
 - (a) Does not require a vehicle to stop at a toll booth to pay the toll; and
 - (b) Uses transponder readers and license plate capture cameras to aid in collecting tolls.
- (3) "Interstate 5 bridge replacement project" means the project described in section 2, chapter 4, Oregon Laws 2013.**

[(3)] (4) "Private entity" means any nongovernmental entity, including a corporation, partnership, company or other legal entity, or any natural person.

[(4)] (5) "Related facility" means any real or personal property that:

- (a) Will be used to operate, maintain, renovate or facilitate the use of the tollway;
- (b) Will provide goods or services to the users of the tollway; or
- (c) Will generate revenue that may be used to reduce tolls or will be deposited in the Toll Program Fund.

[(5)] (6) "Toll" means any fee or charge for the use of a tollway.

[(6)] (7) "Tollway" means any roadway, path, highway, bridge, tunnel, railroad track, bicycle path or other paved surface or structure specifically designed as a land vehicle transportation route for the use of which tolls are assessed.

[(7)] (8) "Tollway operator" means the unit of government or the private entity that is responsible for all or any portion of the construction, reconstruction, improvement, financing, maintenance, repair and operation of a tollway or a related facility.

[(8)] (9) "Tollway project" means any capital project involving the development, operation or equipping of a tollway, related facilities or any portion thereof.

[(9)] (10) "Tollway project revenue bonds" means revenue bonds designated as tollway project revenue bonds under ORS 383.200.

[(10)] (11) "Unit of government" means any department or agency of the federal government, any state, any department or agency of a state, any bistate entity created by agreement under ORS 190.420 or other law for the purposes of the Interstate 5 bridge replacement project, and any city, county, district, port or other public corporation organized and existing under statutory law or under a voter-approved charter.

SECTION 4. ORS 383.004 is amended to read:

383.004. (1) Except as provided in subsection [(2)] (3) of this section, a toll may not be established unless the Oregon Transportation Commission has reviewed and approved the toll. The commission shall adopt rules specifying the process under which proposals to establish tolls will be reviewed. When reviewing a proposal to establish tolls, the commission shall take into consideration:

- (a) The amount and classification of the traffic using, or anticipated to use, the tollway;
- (b) The amount of the toll proposed to be established for each class or category of tollway user and, if applicable, the different amounts of the toll depending on time and day of use;
- (c) The extent of the tollway, including improvements necessary for tollway operation and improvements necessary to support the flow of traffic onto or off of the tollway;
- (d) The location of toll booths or electronic toll collection systems to collect the toll for the tollway;
- (e) The cost of constructing, reconstructing, improving, installing, maintaining, repairing and operating the tollway;
- (f) The amount of indebtedness incurred for the construction of the tollway and all expenses and obligations related to the indebtedness including, without limitation, financial covenants, debt service requirements, reserve requirements and any other funding requirements established under the terms of any indenture prepared under ORS 383.225 and any other contracts establishing the terms of the indebtedness, if any;
- (g) The value of assets, equipment and services required for the operation of the tollway;
- (h) The period of time during which the toll will be in effect;
- (i) The process for altering the amount of the toll during the period of operation of the tollway;
- (j) The method of collecting the toll; [and]

(k) The rate of return that would be fair and reasonable **based on equivalent market standards** for a private equity holder, if any, in the tollway; **and**

(L) Traffic demand management.

(2) The Oregon Transportation Commission shall maintain tolls at rates sufficient to meet:

(a) Obligations to the holders of tollway project revenue bonds issued under ORS 383.200;

(b) Obligations and covenants under any revenue declaration or indenture entered into under ORS 383.225 for outstanding tollway project revenue bonds issued by the State Treasurer; and

(c) The requirements of any related credit enhancement devices, as defined in ORS 286A.001, or instruments defining the rights of holders of such instruments entered in connection with tollway project revenue bonds.

[(2)(a)] (3)(a) Nothing in ORS 383.001 to 383.245 prohibits a city or county from establishing a toll on any highway, as defined in ORS 801.305, that the city or county has jurisdiction over as a road authority pursuant to ORS 810.010.

(b) Nothing in ORS 383.001 to 383.245 prohibits Multnomah County from establishing a toll on the bridges across the Willamette River that are within the boundaries of the City of Portland and that are operated and maintained by Multnomah County as required under ORS 382.305 and 382.310.

(c) Nothing in ORS 383.001 to 383.245 prohibits the Port of Hood River from establishing a toll on the bridges across the Columbia River that are operated and maintained by the port.

(d) Nothing in ORS 383.001 to 383.245 prohibits the Port of Cascade Locks from establishing a toll on the bridges across the Columbia River that are operated and maintained by the port.

(e) Nothing in ORS 383.001 to 383.245 prohibits a commission formed under ORS 381.705 from establishing a toll on a bridge across the Columbia River that is operated and maintained by the commission or the commission's designee.

SECTION 5. Section 6 of this 2025 Act is added to and made a part of ORS 383.001 to 383.245.

SECTION 6. Interstate 5 Bridge Toll Account. (1) **The Interstate 5 Bridge Toll Account is established in the State Treasury, separate and distinct from the General Fund and the State Highway Fund. Interest earned by the Interstate 5 Bridge Toll Account shall be credited to the account. Moneys in the account are continuously appropriated to the Department of Transportation for the Interstate 5 bridge replacement project.**

(2) The department may transfer moneys from the account to the Toll Program Fund for the purposes described in ORS 383.009 (2)(k).

SECTION 7. ORS 383.005 is amended to read:

383.005. (1) For purposes of the acquisition, design, construction, reconstruction, operation or maintenance and repair of **tollways or** tollway projects, the Department of Transportation may enter into any combination of contracts, agreements and other arrangements with any one or more private entities or units of government, or any combination thereof, including but not limited to the following:

(a) Design-build contracts with private entities pursuant to which a portion or all aspects of the design, construction and installation of all or any portion of a **tollway or a** tollway project are accomplished by the private entity;

(b) Lease agreements, lease-purchase agreements and installment sale arrangements for the lease, sale or purchase of real and personal property for **tollways or** tollway projects by the state from private entities or units of government or by private entities or units of government from the state;

(c) Licenses, franchises or other agreements for the periodic or long-term operation or maintenance of **a tollway or** a tollway project;

(d) Financing agreements for **a tollway or** a tollway project pursuant to which the department borrows from, or makes any loan, grant, guaranty or other financing arrangement to or with, a private entity or unit of government; and

(e) Agreements for purchase or acquisition of fee ownership, easements, rights of way or any other interests in land upon which **a tollway or** a tollway project is to be built.

(2) The department may operate **tollways or** tollway projects and impose, *[and]* collect **and disburse** tolls on any **tollway or** tollway project the department operates **or that is operated on behalf of the department. The department may, under any combination of reciprocal agreements with a unit of government or private entity, operate or cause to be operated on its behalf, tollways or tollway projects, and set, impose, retain, collect and disburse tolls on any tollway or tollway project.** *[Any private entity or unit of government that operates a tollway project pursuant to an agreement with the department may impose and collect tolls on the tollway project.]*

SECTION 8. ORS 383.009 is amended to read:

383.009. (1) *[There is hereby established]* The Toll Program Fund *[as a]* **is established**, separate and distinct *[fund]* from the **General Fund and the** State Highway Fund. The Toll Program Fund shall consist of:

(a) All moneys and revenues received by the Department of Transportation from, or made available **to the department** by, the federal government *[to the department]* for any tollway project or for the operation or maintenance of any tollway;

(b) Any moneys received by the department from any other unit of government or any private entity for a tollway project or from the operation or maintenance of any tollway;

(c) All moneys and revenues received by the department from any agreement entered into or loan made by the department for a tollway project pursuant to ORS 383.005, and from any lease, agreement, franchise or license for the right to the possession and use, operation or management of a tollway project;

(d) All tolls and other revenues received by the department or tollway operator from the users of any tollway project;

(e) The proceeds of any bonds authorized to be issued for tollway projects;

(f) Any moneys that the department has legally transferred from the State Highway Fund to the Toll Program Fund for tollway projects;

(g) All moneys and revenues received by the department from all other sources that by gift, bequest, donation, grant, contract or law from any public or private source are for deposit in the Toll Program Fund;

(h) All interest earnings on investments made from any of the moneys held in the Toll Program Fund;

(i) All civil penalties and administrative fees paid to the department from the enforcement of tolls;

(j) Fees paid to the department for information provided under ORS 383.075;

(k) Moneys appropriated for deposit in or otherwise transferred to the Toll Program Fund by the Legislative Assembly; *[and]*

(L) Moneys received from federal sources or other state or local sources, excluding proceeds of Highway User Tax Bonds issued under ORS 367.615 that finance projects other than toll projects; **and**

(m) Any moneys transferred from the Interstate 5 Bridge Toll Account to the Toll Program Fund.

(2) Moneys in the Toll Program Fund may be used by the department for the following purposes:

(a) To finance preliminary studies and reports for any tollway project;

(b) To acquire land to be owned by the state for tollways and any related facilities therefor;

(c) To finance the construction, renovation, operation, improvement, maintenance or repair of any tollway project;

(d) To make grants or loans to a unit of government for tollway projects;

(e) To make loans to private entities for tollway projects;

(f) To pay the principal, interest and premium due with respect to, and to pay the costs connected with the issuance or ongoing administration of, any bonds or other financial obligations authorized to be issued by, or the proceeds of which are received by, the department for any tollway

project, including capitalized interest and any rebates or penalties due to the United States in connection with the bonds;

(g) To provide a guaranty or other security for any bonds or other financial obligations, including but not limited to financial obligations with respect to any bond insurance, surety or credit enhancement device issued or incurred by the department, a unit of government or a private entity, for the purpose of financing a single tollway project or any related group or system of tollway projects or related facilities;

(h) To pay the costs incurred by the department in connection with its oversight, operation and administration of the Toll Program Fund, the proposals and projects submitted under ORS 383.015 and the tollway projects financed under ORS 383.005;

(i) To develop, implement and administer the toll program established under ORS 383.150, including the cost of consultants, advisors, attorneys or other professional service providers appointed, retained or approved by the department; *[and]*

(j) To make improvements or fund efforts on the tollway and on adjacent, connected or parallel highways to the tollway to reduce traffic congestion as a result of a tollway project, improve safety as a result of a tollway project and reduce impacts of diversion as a result of a tollway project[.];
and

(k) For moneys transferred to the Toll Program Fund from the Interstate 5 Bridge Toll Account under section 6 of this 2025 Act, to pay costs or provide funds for any purpose authorized in this subsection for the Interstate 5 bridge replacement project and any related facility.

(3) For purposes of paying or securing bonds or providing a guaranty, surety or other security authorized by this section, the department may:

(a) Irrevocably pledge all or any portion of the amounts that are credited to, or are required to be credited to, the Toll Program Fund;

(b) Establish subaccounts in the Toll Program Fund, and make covenants regarding the credit to and use of amounts in those subaccounts; and

(c) Establish separate trust funds or accounts and make covenants to transfer to those separate trust funds or accounts all or any portion of the amounts that are required to be deposited in the Toll Program Fund.

(4) Notwithstanding any other provision of ORS 383.001 to 383.245, the department shall not pledge any funds or amounts at any time held in the Toll Program Fund as security for the obligations of a unit of government or a private entity unless the department has entered into a binding and enforceable agreement that provides the department reasonable assurance that the department will be repaid, with appropriate interest, any amounts that the department is required to advance pursuant to that pledge.

(5) Moneys in the Toll Program Fund are continuously appropriated to the department for purposes authorized by this section.

(6) Notwithstanding subsection (1) of this section, a city, county, district, port or other public corporation organized and existing under statutory law or under a voter-approved charter is not required to deposit into the Toll Program Fund tolls, or other revenues are received from the users of any tollway, that are assessed by a city, county, district, port or other public corporation organized and existing under statutory law or under a voter-approved charter.

(7) Moneys in the Toll Program Fund that are transferred from the State Highway Fund or are derived from any revenues under Article IX, section 3a, of the Oregon Constitution, may be used only for purposes permitted by Article IX, section 3a, of the Oregon Constitution.

SECTION 9. ORS 383.200 is amended to read:

383.200. (1) In accordance with the applicable provisions of ORS chapter 286A, the State Treasurer, at the request of the Department of Transportation, may issue and sell revenue bonds known as tollway project revenue bonds for the purpose of financing tollway projects **authorized by the Oregon Transportation Commission or the Department of Transportation**, provided that such bonds do not constitute a debt or general obligation of the department or of this state or

any of its political subdivisions, but shall be payable solely from the revenues, amounts, funds and accounts described in ORS 383.009, 383.205 and 383.235.

(2) The proceeds of bonds issued under this section may be used by the department or loaned or granted to a private entity or a local government, as defined in ORS 174.116, for the purposes of:

(a) Financing any portion of the costs related to the purposes described in ORS 383.009 (2);

(b) Funding any required reserves; *[and]*

(c) Paying costs of issuing the bonds; **and**

(d) Reimbursing the department for any eligible costs associated with the establishment, oversight, operation and maintenance of a tollway or a tollway project.

(3) The bonds authorized by this section may be issued as taxable bonds or as tax-exempt bonds under the income tax laws of the United States.

(4) Notwithstanding the status of the bonds for federal income tax purposes, interest paid to the owners of the bonds shall be exempt from personal income taxes imposed by this state.

(5) Subject to the limitations under ORS 383.004 and 383.009, when issuing bonds under this section, the department and the State Treasurer may make covenants with bondholders regarding the imposition and regulation of tolls to meet the department's obligations under the terms of any indenture prepared under ORS 383.225, any loan agreement and any grant agreement, including without limitation:

(a) Financial covenants, debt service requirements, reserve requirements and any other funding requirements;

(b) The use of the amounts required to be deposited in the Toll Program Fund; and

(c) The issuance of additional bonds.

(6) The state may not in any way impair obligations of any agreement between the state and holders of tollway project revenue bonds issued under this section.

(7) The department, with the approval of the State Treasurer, may designate the extent to which a series of tollway project revenue bonds authorized under this section is secured and payable:

(a) On a parity of lien or on a subordinate basis to existing or future Highway User Tax Bonds issued under ORS 367.615, but only if sufficient moneys described under ORS 367.605 may be pledged to:

(A) First, pay the annual bond debt service of all Highway User Tax Bonds issued pursuant to ORS 367.615 and 367.620; and

(B) Second, pay the annual bond debt service for all tollway project revenue bonds issued under this subsection; or

(b) From additional revenue sources as permitted under ORS 383.205.

(8) A holder of tollway project revenue bonds issued under this section may not compel the payment of federal transportation funds to the department.

(9) This section is supplemental and in addition to any other authority in ORS chapters 286A, 366 and 367 for the issuance of bonds by the State Treasurer at the request of the department.

SECTION 10. ORS 383.035 is amended to read:

383.035. (1) A *[person]* **registered owner of a motor vehicle** shall pay a toll established under ORS 383.004 **in accordance with rules adopted by the Department of Transportation.**

(2) A person who fails to pay a toll established under ORS 383.004 **when due** shall pay to the Department of Transportation the amount of the toll, *a civil penalty* and an administrative fee established by the tollway operator not to exceed the actual cost of collecting the unpaid toll.

(3) The department **may impose a civil penalty on a registered owner who fails to pay any toll established under ORS 383.004 when due. The department** shall adopt by rule the amount of civil penalty that may be imposed for *[each]* violation of subsection (1) of this section.

[(3)] (4) A civil penalty imposed under this section may be remitted or reduced upon such terms and conditions as the department considers proper and consistent.

(5) **A toll, administrative fee or civil penalty imposed is a personal liability of the registered owner of the motor vehicle at the time the toll is imposed. More than one registered**

owner of a motor vehicle may be held jointly and severally liable for payment of the toll, administrative fee or civil penalty.

[(4)] (6) In addition to any other penalty, the department [shall] **may** refuse to **issue or** renew the motor vehicle registration **for any person who was or is the registered owner** of a motor vehicle when the registered owner of the motor vehicle has not paid [the] a toll, [the] a civil penalty [and] **or** any administrative fee [charged] **imposed** under this section.

[(5)] (7) This section does not apply to:

(a) A person who is a member of a category of persons exempted by the Oregon Transportation Commission from paying a toll; or

(b) A person who is a member of a category of persons made eligible by the commission for paying a reduced toll, to the extent of the reduction.

[(6)] (8) Civil penalties imposed under this section shall be imposed in the manner provided by ORS 183.745.

[(7)] (9) The department may enter into an agreement with a commission or a commission's designee under ORS 381.725 (3) to enforce the payment of tolls and other charges for use of an interstate toll bridge.

(10) To enforce the payment of tolls, the department may enter into agreements with units of government, private entities or tribal governments. An agreement may provide that:

(a) **The department and a unit of government, private entity or tribal government may exchange information to identify registered owners of vehicles who fail to pay a toll, administrative fee or civil penalty related to the use of the tollway.**

(b) **If the unit of government, private entity or tribal government gives notice to the department that the registered owner has not paid a toll, administrative fee or civil penalty for use of a tollway operated by the unit of government, private entity or tribal government, the department may refuse to issue or renew the motor vehicle registration of a motor vehicle operated by the registered owner at the time of the violation.**

(c) **The department may issue or renew a motor vehicle registration for a registered owner upon receipt of a notice from the unit of government, private entity or tribal government indicating that all tolls, administrative fees or civil penalties and other charges described in this section owed by the registered owner have been paid.**

SECTION 11. ORS 383.075 is amended to read:

383.075. (1) Except as provided in subsections (2) and (3) of this section, records and information used to collect and enforce tolls are exempt from disclosure under public records law and are to be used solely for toll collection.

(2) Information collected or maintained by an electronic toll collection system may not be disclosed to anyone except:

(a) The owner of an account that is charged for the use of a tollway;

(b) A collection agency, as defined in ORS 697.005, a payment processor as defined by the Department of Transportation by rule, an agency, as defined in ORS 183.310, or a financial institution, as necessary to collect tolls, **civil penalties and administrative fees** owed;

(c) Employees of the department;

(d) The tollway operator and authorized employees of the operator;

(e) A law enforcement officer who is acting in the officer's official capacity in connection with toll enforcement;

(f) An administrative law judge or court in an action or proceeding in relation to unpaid tolls or administrative fees or civil penalties related to unpaid tolls; [and]

(g) As requested for use in any civil, criminal or other legal proceeding or investigation that relates to the use of a tollway[.]; **and**

(h) A unit of government responsible for the issuance of vehicle registration, under an agreement with the department, to impose a motor vehicle registration penalty related to unpaid tolls, civil penalties and administrative fees.

(3) Information collected or maintained by a photo enforcement system may not be disclosed to anyone except:

- (a) The registered owner of the vehicle;
- (b) Employees of the department;
- (c) The tollway operator and authorized employees of the operator;
- (d) A law enforcement officer who is acting in the officer's official capacity in connection with toll enforcement; and
- (e) An administrative law judge or court in an action or proceeding in relation to unpaid tolls or administrative fees or civil penalties related to unpaid tolls.

(4) The department may charge a reasonable fee under ORS 192.324 for providing information under this section.

(5) The department may adopt rules specifying conditions that must be met by a person or unit of government requesting information under this section. Conditions may include but are not limited to:

- (a) Providing reasonable assurance of the identity of the requester;
- (b) Providing reasonable assurance of the uses to which the information will be put, if applicable;
- (c) Showing that the person whose information is to be disclosed has given permission for the disclosure, if permission is required; and
- (d) Submitting a written request for the information in a form prescribed by the department.

SECTION 12. ORS 291.055 is amended to read:

291.055. (1) Notwithstanding any other law that grants to a state agency the authority to establish fees, all new state agency fees or fee increases adopted during the period beginning on the date of adjournment sine die of a regular session of the Legislative Assembly and ending on the date of adjournment sine die of the next regular session of the Legislative Assembly:

- (a) Are not effective for agencies in the executive department of government unless approved in writing by the Director of the Oregon Department of Administrative Services;
- (b) Are not effective for agencies in the judicial department of government unless approved in writing by the Chief Justice of the Supreme Court;
- (c) Are not effective for agencies in the legislative department of government unless approved in writing by the President of the Senate and the Speaker of the House of Representatives;
- (d) Shall be reported by the state agency to the Oregon Department of Administrative Services within 10 days of their adoption; and
- (e) Are rescinded on adjournment sine die of the next regular session of the Legislative Assembly as described in this subsection, unless otherwise authorized by enabling legislation setting forth the approved fees.

(2) This section does not apply to:

- (a) Any tuition or fees charged by a public university listed in ORS 352.002.
- (b) Taxes or other payments made or collected from employers for unemployment insurance required by ORS chapter 657 or premium assessments required by ORS 656.612 and 656.614 or contributions and assessments calculated by cents per hour for workers' compensation coverage required by ORS 656.506.
- (c) Fees or payments required for:
 - (A) Health care services provided by the Oregon Health and Science University, by the Oregon Veterans' Homes pursuant to ORS 408.362 and 408.365 to 408.385 and by other state agencies and institutions pursuant to ORS 179.610 to 179.770.
 - (B) Copayments and premiums paid to the Oregon medical assistance program.
 - (C) Assessments paid to the Department of Consumer and Business Services under sections 3 and 5, chapter 538, Oregon Laws 2017.
 - (d) Fees created or authorized by statute that have no established rate or amount but are calculated for each separate instance for each fee payer and are based on actual cost of services provided.

- (e) State agency charges on employees for benefits and services.
 - (f) Any intergovernmental charges.
 - (g) Forest protection district assessment rates established by ORS 477.210 to 477.265 and the Oregon Forest Land Protection Fund fees established by ORS 477.760.
 - (h) State Department of Energy assessments required by ORS 456.595 and 469.421 (8).
 - (i) Assessments on premiums charged by the Director of the Department of Consumer and Business Services pursuant to ORS 731.804 or fees charged by the director to banks, trusts and credit unions pursuant to ORS 706.530 and 723.114.
 - (j) Public Utility Commission operating assessments required by ORS 756.310 or charges paid to the Residential Service Protection Fund required by chapter 290, Oregon Laws 1987.
 - (k) Fees charged by the Housing and Community Services Department for intellectual property pursuant to ORS 456.562.
 - (L) New or increased fees that are anticipated in the legislative budgeting process for an agency, revenues from which are included, explicitly or implicitly, in the legislatively adopted budget or the legislatively approved budget for the agency.
 - (m) Tolls approved by the Oregon Transportation Commission pursuant to ORS 383.004 **and administrative fees imposed for failure to pay tolls when due as required under ORS 383.035.**
 - (n) Portal provider fees as defined in ORS 276A.270 and established by the State Chief Information Officer under ORS 276A.276 (3) and recommended by the Electronic Government Portal Advisory Board.
 - (o) Fees set by the State Parks and Recreation Director and approved by the State Parks and Recreation Commission under ORS 390.124 (2)(b).
- (3)(a) Fees temporarily decreased for competitive or promotional reasons or because of unexpected and temporary revenue surpluses may be increased to not more than their prior level without compliance with subsection (1) of this section if, at the time the fee is decreased, the state agency specifies the following:
- (A) The reason for the fee decrease; and
 - (B) The conditions under which the fee will be increased to not more than its prior level.
- (b) Fees that are decreased for reasons other than those described in paragraph (a) of this subsection may not be subsequently increased except as allowed by ORS 291.050 to 291.060 and 294.160.
- SECTION 13.** ORS 381.312 is amended to read:
- 381.312. (1) The Port of Hood River, or any private entity or unit of government that the port designates to operate a bridge in an agreement the port enters into under ORS 381.205 to 381.314, may establish, collect or alter a reasonable toll, administrative fee or civil penalty in connection with the bridge.
- (2) The port or the private entity or unit of government that the port designates shall deposit any proceeds from a toll, administrative fee or civil penalty into an account established under an agreement described in ORS 381.310. The port or unit of government shall deposit the share of proceeds that the port or unit of government receives with a depository that meets the requirements set forth in ORS chapter 295. A private entity shall deposit the share of proceeds that the private entity receives with an insured institution, as defined in ORS 706.008.
- (3)(a) The Department of Transportation, on behalf of the port, shall:
- (A) Assess and collect the amount of a toll that a person fails to pay, plus a civil penalty and administrative fee; and
 - (B) Refuse to renew the motor vehicle registration of the motor vehicle of a person that failed to pay a toll, a civil penalty or an administrative fee assessed under this subsection.
- (b) For the purpose of conducting the activities described in paragraph (a) of this subsection, the department shall:
- (A) Treat a toll established in connection with the bridge as a toll that was established under ORS 383.004;
 - (B) Apply the exemptions set forth in ORS 383.035 [(5)] (7); and

(C) Adopt rules to establish a process by means of which the port, a private entity or a unit of government may request action from the department under this subsection.

REPEALS

SECTION 14. Section 8, chapter 4, Oregon Laws 2013, is repealed.

CAPTIONS

SECTION 15. The unit and section captions used in this 2025 Act are provided only for the convenience of the reader and do not become part of the statutory law of this state or express any legislative intent in the enactment of this 2025 Act.

Passed by House May 7, 2025

.....
Timothy G. Sekerak, Chief Clerk of House

.....
Julie Fahey, Speaker of House

Passed by Senate May 22, 2025

.....
Rob Wagner, President of Senate

Received by Governor:

.....M,....., 2025

Approved:

.....M,....., 2025

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Tina Kotek, Governor

Filed in Office of Secretary of State:

.....M,....., 2025

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Tobias Read, Secretary of State